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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,769	06/27/2003	Toshiyuki Hosaka	9319S-000520	8150

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EXAMINER

LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/608,769	Applicant(s) HOSAKA, TOSHIYUKI	
	Examiner Frank M. Leiva	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/02/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2, 9, 15 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-14, 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/04/2005, 09/27/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 06/09/2005 and 09/27/2005 fail to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. Furthermore the foreign references have been considered to the extent of the English translation provided.

Cancelled claims

2. The examiner takes notice of the applicant's cancellation of claims 2, 9, 15, and 17-21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-8, 10-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahama et al. (US 2003/0032478), "Takahama" in view of Wells (US 6,846,238), "Wells".**

Takahama teaches

5. Claim 1, 5, 6, and 14: Takahama discloses
- projecting a moving image on a predetermined area in a game board of a game machine from the back of a panel (Fig. 25, ¶ 0130), wherein the moving tennis ball or opponent is analogous to the moving image; and

- projecting a still image on the game board outside of the predetermined area (¶0137, ¶0065), wherein the court is the still image or background for the display,
- wherein a position, a number, and a size of said predetermined area where said moving image is displayed are set as parameters (¶0137), and more than one parameter is changed at a predetermined time while the moving image and the still image are displayed (¶0137).

Furthermore, it is necessarily present that a projection mechanism capable of projecting a moving image can project a still image on a game board as it is a fact that a projection of a moving image is simply a series of still images rapidly shown one after another. Thus, the display of Takahama is capable of the moving and still images of the claimed invention.

Regarding the position, number and size of the predetermined area of the moving image is simply a matter of storing the proper plurality of still images on a computer readable medium and sending those images to the projector.

6. Claim 19: Takahama discloses changing more than one of said parameters when a state of the game machine changes during a game (¶0139).

7. Claim 3: Takahama discloses changing more than one of said parameters when a player comes close to or moves away from the game machine by at least one predetermined distance (¶0104).

8. Claim 4: Takahama discloses projecting game machine information as the still image (¶0138). Game information such as the tennis court, opponent character, scores, and acquired sets.

9. Claim 7: Takahama discloses said control unit causes said projection mechanism to alter at least one of said parameters when the predetermined time equals a time of a change of a game state in the game machine (¶0139). Depending on the speed and direction of the serve, the ball character will 'move' more (change of parameters).

10. Claim 8: Takahama discloses means for inputting a game machine information image that displays game machine information of the game machine, and wherein said control unit

causes said projection mechanism to projection display the game machine information image as said still image (§0138). Game information such as the tennis court, opponent character, scores, and acquired sets.

11. Claims 10 and 16: Takahama discloses said parameters when the predetermined time equals at least one of a time at which said control unit has determined that a player has come within a predetermined distance to the game machine (§0062, §0066, and §0139), on the basis of a sensor signal outputted by a user sensor, and a time at which said control unit has determined that the player has moved away from said game machine more than a predetermined distance (paragraphs 66 and 139), on the basis of the sensor signal.

12. Claim 11: Takahama discloses a main control unit, which causes said display apparatus for a game machine to projection display said moving image and said still image (fig. 27, item 1400, §0133).

13. Claim 12: Takahama discloses a user sensor that outputs a sensor signal permitting determination as to whether a player has come within a predetermined distance to said game machine; and wherein said main control unit causes said display apparatus for a game machine to projection display said moving image and said still image such that at least one of said parameters is altered when the predetermined time equals at least one of a time at which said main control unit has determined that the player has come within the predetermined distance to said game machine (§0066 and §0139), on the basis of the sensor signal outputted by said user sensor, and a time at which said main control unit has determined that said player has moved away from said game machine by more than said predetermined distance (§0066 and §0139), on the basis of said sensor signal.

14. Claim 13: Takahama discloses a game machine as defined in claim 10 (fig. 25, §0130-§0139).

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Takahama fails to teach

15. Claims 1, 5, 6, and 14: Takahama discloses the invention as claimed except for displaying at least one of a broadcast and a distributed image as at least one of said moving and still images. Instead, Takahama teaches a one or two player game wherein the game is played without being networked (§0074).

Wells teaches

16. In an analogous gaming reference, Wells teaches, "broadcast events, including television programming, may be provided to the main display monitor, the secondary display monitor or the remote display" (Wells, col. 13, lines 59-67). One of ordinary skill in the art would have seen the benefit of modifying Takahama with a secondary display since "many game players would like to continue game play while performing an activity, such as getting a meal or going to a sports book..." This action would require the player to leave the game, which the player is reluctant to do because the player does not want to give up the machine. Further, the gaming establishment is reluctant to reserve the machine because while a gaming machine is reserved it does not generate revenue (Wells, col. 2, lines 18-38). Wells teaches solving this problem with a secondary display to provide food menus, make sports wagers, or watch broadcast television (col. 13, line 51 – col. 14, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the of the instant invention to modify Takahama with a secondary display displaying broadcast television as taught by Wells to provide additional services as discussed while still playing the game.

Response to Arguments

17. With respect to applicants argument directed to the Information Disclosure Statement, the applicant refers to 37 C.F.R. 198(a)(3)(i) which requires only a concise explanation of the relevance, but fails to mention 37 C.F.R. 198(a)(3)(ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within

the possession, custody, or control of, or is readily available to any individual designated in §1.56(c).

1. Applicant's arguments filed 08/02/2006 have been fully considered but they are not persuasive.
2. With respect to applicants argument directed to claim 1, applicant states "*Takahama et al., however, is silent as to changing either a number or a size parameter of a moving image. Takahama et al. is further silent as to changing more than one of a position parameter, a number parameter, and a size parameter of a moving image. Takahama et al. is likewise silent as to the at least one moving image including a broadcast television image.*" Examiner points out that Takahama's invention changes the entire parameters of the picture being display as the perspective of the player is changed by the movements detected by the sensors. Further more the teachings for the broadcast television signal are taught by Well's reference.
3. With respect to applicant's argument directed to claims 3 and 4, applicant offers no argument directed to the art applied, only their dependency on claim 1, which rejection is still standing. For this reason the rejections of claims 3 and 4 are to remain standing.
4. With respect to applicant's argument directed to claim 6, applicant states almost the entire claim and fails to specifically indicate the limitation that is not taught by Takahama et al. For this reasons the rejections to claim 6 remain standing.
5. With respect to applicants argument directed to claims 7 and 8, applicant states their dependency to claim 6, which rejection stands, thus without argument on the art the rejections for claims 7 and 8 still stand.
6. With respect to applicant's argument directed to claim 14, applicant fails to point specifically point out the limitation that Takahama fails to teach, and for that reason the rejections to claim 14 still stand.

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7. With respect to applicants argument directed to claim 16, applicant states the dependency on claim 14 as only argument, thus the art rejections still stand.

8. With respect to applicants argument directed to claim 5, applicant states its dependency on claim 1 as only reason to traverse, thus claim 5 remains rejected on the merits of the art applied.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

01/12/2007

 1/12/07

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